

REMARKS

In the Final Office Action¹, the Examiner rejected claims 1, 3-14, 16-18, 20, 22-33, and 35-37 under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent Application Publication No. 2002/0092004 to Lee et al. ("Lee").

Claims 1, 3-14, 16-18, 20, 22-33, and 35-37 remain pending in this application, with claims 1, 14, 18, 20, 33, and 37 being the independent claims.

Applicants respectfully traverse the rejection of the claims. A *prima facie* case of obviousness has not been established with respect to any of the claims.

"The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious." M.P.E.P. § 2142(III), 8th Ed., Rev. 6 (Sept. 2007). "[T]he framework for objective analysis for determining obviousness under 35 U.S.C. 103 is stated in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). . . . The factual inquiries . . . are as follows:

(A) [Determining the scope and content of the prior art;]

(B) Ascertaining the differences between the claimed invention and the prior art;

and

(C) Resolving the level of ordinary skill in the pertinent art."

M.P.E.P. § 2141(II). "Office personnel must explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art." M.P.E.P. § 2141(III).

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

Claim 1 recites a system that includes, for example, "...a generation tool comprising a first tool and a second tool, said first tool being a meta data dependent passer element and said second tool being a meta data independent generating element; and input/output means for...invoking said generation tool, said input/output means...enabling editing of said meta data."

Lee discloses a software development tool that includes "a design program 26 and a generator program 28 [that] reside on [a] design computer 12." *Lee*, paragraph [0034]. "Through a user-friendly graphic user interface, the design program 26 prompts the user for elements of the system design and stores those elements as a design database file 34 which...is passed to the generator program 28 where it is reformatted as an extensible markup language (XML) meta document." *Lee*, paragraphs [0035]-[0036]. Further, *Lee* discloses that "XML meta documents 36 generated by universal modeling language (UML) applications...may then be imported into generator program 28 and used to generate new validated design database files 38." *Lee*, paragraph [0037].

The Final Office Action alleges that *Lee* discloses both "a generation tool comprising a first tool and a second tool" and "input/output means for...invoking said generation tool, said input/output means...enabling editing of said meta data." Final Office Action at 3, 17, and 18. Specifically, the Final Office Action states *Lee* discloses "...the generator program (28), which is the first tool, and the design program 26, which is the second tool." Final Office Action at 18. Further, the Final Office Action states that the conversion of UML applications into design database files by generator program 28,

i.e., the first tool, demonstrates that *Lee* discloses "...editing of XML meta documents."
Final Office Action at 17.

Assuming, *arguendo*, that the generation of new validated design database files from UML applications corresponds to "editing" meta data, which Applicants do not concede, any such editing in *Lee* is performed by a component of a generation tool, *i.e.*, generator program 28, and not by an input/output means that invokes a generation tool. As such, because *Lee* at most discloses the generation of new validated design database files by a component of a generation tool, and not by any input/output means configured to invoke that generation tool, *Lee* does not disclose or suggest the above-discussed featured recited in independent claim 1.

For at least the foregoing reasons, the scope and content of the prior art have not been properly determined in the Final Office Action, and the differences between the prior art and claim 1 have not been properly ascertained. Accordingly, no reason has been clearly articulated in the Final Office Action as to why the prior art would have rendered claim 1 obvious to one of ordinary skill in the art. Therefore, a *prima facie* case of obviousness has not been established with respect to claim 1, and the rejection of claim 1 under 35 U.S.C. § 103(a) should be withdrawn.

Claims 3-13 depend from independent claim 1. As such, these dependent claims are allowable for at least the reasons set forth above for claim 1. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 3-13 under 35 U.S.C. § 103(a).

Further, independent claims 14, 18, 20, 33, and 37, although different in scope from independent claim 1, are allowable for at least reasons similar to those set forth

above for independent claim 1. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 14, 18, 20, 33, and 37 under 35 U.S.C. § 103(a).

Claims 16-17, 22-32, 35, and 36 depend from the independent claims. As such, these dependent claims are allowable for at least reasons similar to those set forth above. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of dependent claims 16-17, 22-32, 35, and 36 under 35 U.S.C. § 103(a).

CONCLUSION

In view of the foregoing remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

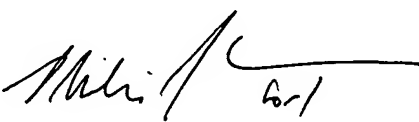
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

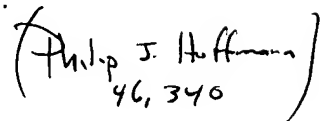
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: October 23, 2008

By: _____



C. Gregory Gramenopoulos
Reg. No. 36,532
(202) 408-4623


Philip J. Hoffmann
46,340